Calendar No. 913

101ST CONGRESS
2d Session

SENATE

REPORT
101-490

PECOS NATIONAL HISTORICAL PARK EXPANSION ACT OF 1990

OCTOBER 3 (legislative day, OCTOBER 2), 1990.—Ordered to be printed

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Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 2165]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2165) to establish the Glorieta National Battlefield in the State of New Mexico, having considered the same, reports favorably thereon with an amendment and an amendment to the title and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pecos National Historical Park Expansion Act of 1990".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress makes the following findings—

(1) the Civil War battle of Glorieta Pass, New Mexico, fought on March 26-28, 1862, was the most decisive battle of the Civil War in the Far West, prompting some historians to label it the "Gettysburg of the West";

(2) the battle was particularly significant since following the Confederate defeat at Glorieta Pass, the Confederate grand design to capture the riches and support of the West collapsed as the Confederate forces withdrew from New Mexico and the Rocky Mountains, thus largely ending the Civil War in the West;

(3) although proposals have been advanced for Government protection of the battlefield sites, the area has not been protected and is subject to a variety of impacts and threats to the integrity of the historic scene;

(4) the campsite and headquarters of the Union forces during the Battle of Glorieta are currently within the boundry of the Pecos National Historical Park;

(5) the purpose of the Pecos National Historical Park is to interpret the significant prehistoric and historic events which have occurred in the area; and

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(6) expanding the Pecos National Historical Park to include the most significant sites of the battle of Glorieta will enhance the ability of the National Park Service to interpret the battle and improve visitor understanding of the Civil War in the Far West.

(b) PURPOSE.—The purpose of this Act is to recognize the national significance of the Battle of Glorieta and to provide for the interpretation of the battlefield by establishing a new unit of Pecos National Historical Park at the two primary battlefield sites.

SEC. 3. ESTABLISHMENT OF THE GLORIETA UNIT OF THE PECOS NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—In order to preserve and interpret the Battle of Glorieta for the benefit and enjoyment of present and future generations, there is hereby established the Glorieta Unit of the Pecos National Historical Park, (hereinafter referred to as "the Glorieta Unit"), comprising approximately 682 acres as generally depicted on the maps entitled "Glorieta Unit—Pecos National Historical Park", numbered 430—80,031 and dated July, 1990, (hereinafter referred to as "the maps"). The boundary of the Pecos National Historical Park, established by an Act entitled "An Act to establish Petroglyph National Monument and Pecos National Historical Park in the State of New Mexico, and for other purposes" (Public Law 101-313, and hereinafter referrd to as "the Petroglyph and Pecos Establishment Act"), is hereby modified to include the Glorieta Unit.

(b) ADMINISTRATION.—The Secretary shall administer the Glorieta Unit to preserve and interpret the Battle of Glorieta for the benefit and enjoyment of present and future generations, in accordance with the provisions of this Act, applicable provisions of the Petroglyph and Pecos Establishment Act, and provisions of law generally applicable to units of the National Park System, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-7).

(c) ACQUISITION.—Subject to the limitations contained in this subsection, the Secretary is authorized to acquire lands, waters, and interests therein within the boundaries of the Glorieta Unit by donation, purchase with donated or appropriated funds, or exchange.

(1) Lands, waters, and interests therein located within the Glorieta Unit outside the "Historic Zone", on the maps referred to in subsection (a), may be acquired only with the consent of the owner thereof.

(2) Lands identified on the maps referred to in subsection (a) as being within the "Historic Zone" may be acquired only by donation.

(d) TRANSFER.—Lands identified on the maps referred to in subsection (a) as being within unit number 26 in the "Historic Zone" are hereby transferred from the administration of the Secretary of Agriculture to the administration of the Secretary of the Interior, to be managed in accordance with the provisions of this Act.

(e) MANAGEMENT PLAN.—The Secretary shall incorporate management direction for the Glorieta Unit into the general management plan for the Pecos National Historical Park, including the identification of routes of travel associated with the battle of Glorieta, and a study of the feasibility of establishing hiking and riding trails and associated facilities along such routes in cooperation with local landowners.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

2. Amend the title so as to read:

AN ACT To expand the boundaries of the Pecos National Historical Park.

PURPOSE OF THE MEASURE

The purpose of S. 2165, as ordered reported, is to establish the Glorieta Unit of the Pecos National Historical Park in New Mexico to preserve and interpret the Battle of Glorieta.

BACKGROUND AND NEED

The Battle of Glorieta, fought March 26 through March 28, 1862, marked the turning point of a Confederate drive to occupy and control the New Mexico territory, in hopes of ultimately detaching the

West from the Union and extending the Confederacy to the Pacific Ocean.

After passing through the Arizona territory to the south, and traveling along the Rio Grande River, the Confederate force of Texas Mounted Rifle Volunteers was met at Glorieta Pass by a Federal contingent of Colorado and New Mexico volunteers and detachments from the United States Cavalry. Glorieta Pass is an opening in the Sangre de Cristo Mountains through which the Santa Fe Trail passed. The Texas volunteers were intent on continuing through the pass and on to the Federal garrison of Fort Union, which was several miles to the northeast.

In 3 days of hard fighting, the opposing forces fought to a draw. On the third day, Union soldiers discovered the Confederate supply depot, which consisted of 80 wagons together with mules and horses, guarded only by a small detachment. Seizing the opportunity, the Union forces charged down the bluff and overwhelmed the depot. The Union troops burned the wagons, slaughtered the horses and mules, and withdrew with 17 prisoners. At this point the Texas volunteers retreated down the Rio Grande and back to Texas. The casualties suffered on both sides were significant.

Today, much of the actual battlefield is in private hands and parts of it are covered under the roadbed of a nearby interstate. Increased development activity in the area and the growing popularity of the region are expected to provide further threats to the battlefield in the future.

S. 2165 would respond to those threats by establishing the Glorieta Unit of the newly created Pecos National Historical Park.

LEGISLATIVE HISTORY

S. 2165 was introduced by Senators Bingaman and Domenici on February 22, 1990. The Subcommittee on Public Lands, National Parks and Forests held a hearing on this measure on May 1, 1990. In August 1987, Senator Bingaman introduced a bill to designate the site of the Glorieta Battle as a National Historic Site. A hearing was held on the bill but it saw no further action.

At the business meeting on September 19, 1990, the Senate Committee on Energy and Natural Resources ordered S. 2165, as amended, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on September 19, 1990, by a unanimous vote of a quorum present, recommends that the Senate pass S. 2165 if amended, as described herein.

The rollcall vote on reporting the measure was 18 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston*	
Mr. Bumpers	
Mr. Ford	
Mr. Bradley	
Mr. Bingaman	
Mr. Wirth	
Mr. Conrad	
Mr. Heflin*	
Mr. Akaka*	
Mr. McClure	
Mr. Hatfield*	
Mr. Domenici*	
Mr. Wallop	
Mr. Murkowski	
Mr. Nickles*	
Mr. Burns	
Mr. Garn*	
Mr. McConnell	

*Indicates voted by proxy.

COMMITTEE AMENDMENTS

During the consideration of S. 2165, the Committee adopted an amendment in the nature of a substitute. S. 2165, as introduced, would have established a 753-acre Glorieta National Battlefield Park as a separate unit of the National Park System. Instead, the amendment establishes the new 682-acre Glorieta Unit of the existing Pecos National Historical Park. The Committee determined that the Battlefield could best be interpreted and protected when integrated into the existing Pecos National Historical Park.

The substitute also expands the limits on condemnation contained in the original bill to prohibit condemnation on all lands within the Glorieta Unit. It also adds a provision allowing approximately 244 acres of the Pigeon's Ranch to be acquired only by donation.

SECTION-BY-SECTION ANALYSIS

Section 1 entitles the Act as the "Pecos National Historical Park Expansion Act of 1990."

Section 2 includes the findings and the purpose of the Act.

Section 3(a) establishes the 682-acre Glorieta Unit of the Pecos National Historical Park.

Section 3(b) directs that the Secretary of the Interior shall administer the Glorieta Unit to preserve and interpret the Battle of Glorieta in accordance with applicable law.

Section 3(c) authorizes the Secretary to acquire lands, waters and interests therein within the Glorieta Unit by donation, purchase with donated or appropriated funds or exchange. Lands outside the area identified as the "Historic Zone" may be acquired only with the consent of the owners thereof. Lands within the "Historic Zone" may be acquired only by donation.

Section 3(d) transfers approximately 33 acres of Federal lands currently administered by the Secretary of Agriculture, through

COST AND BUDGETARY CONSIDERATIONS

the Forest Service, to the administration of the Secretary of the Interior, to be managed in accordance with this Act.

Section 3(e) directs the Secretary to incorporate management direction for the Glorieta Unit into the general management plan for the Pecos National Historical Park.

Section 3(f) authorizes the appropriation of such sums as may be necessary to carry out the purposes of this Act.

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 25, 1990.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 2165, the Pecos National Historical Park Expansion Act of 1990, as amended and ordered reported by the Senate Committee on Energy and Natural Resources on September 19, 1990. We estimate that implementation of the bill would cost about $4 million, largely for land acquisition, which may take 10 years or longer.

The bill authorizes the Park Service to acquire the 682-acre Glorieta Unit and make it part of the Pecos National Historical Park. Certain areas are to be acquired only through donation, one parcel is transferred by this bill from the Department of Agriculture to the Park Service, and the remainder of the area is to be purchased only with the consent of the owners. S. 2165 also directs the Park Service to complete a management plan for incorporating the Glorieta Unit into the park. We estimate $0.2 million would be spent over the 1991–1992 period to complete this plan.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Kim Cawley, who can be reached at 226–2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 2165. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact of personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 2165, as reported.

EXECUTIVE COMMUNICATIONS

On April 5, 1990, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior, the Department of Agriculture, and the Office of Management and Budget setting forth executive views on S. 2165.

The pertinent legislative report received by the Committee from the Department of Agriculture setting forth executive agency recommendations relating to S. 2165 is set forth below:

The other reports had not been received at the time the report on S. 2165 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Department of the Interior at the Subcommittee hearing follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, June 7, 1990.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is in reply to your request for the views of this Department regarding S. 2165, a bill "To establish the Glorieta National Battlefield in the State of New Mexico."

The Department of Agriculture has no objection to the enactment of the provisions of S. 2165 which would affect National Forest Systems lands. We defer to the Department of the Interior regarding an overall recommendation on the bill.

S. 2165 would designate the area in New Mexico known as the Glorieta Battlefield as the Glorieta National Battlefield, to be administered by the Secretary of the Interior. The Secretary would be authorized to acquire lands, waters, and interest therein within the boundaries of the Battlefield by donation, purchase with donated or appropriated funds, or exchange. The 33 acres within the Battlefield administered by the Forest Service would be transferred to the management of the National Park Service.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

CLAYTON YEUTTER,
Secretary.

STATEMENT OF JAMES M. RIDENOUR, DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the committee, it is a pleasure to appear today to discuss S. 2165, a bill to designate the site of the Glorieta Battle in the Civil War as a national battlefield.

We do not support enactment of S. 2165. A feasibility/suitability study has not been completed on the proposed site. The site has not been identified as a priority for study for suitability/feasibility. The setting remains, and comprehensive interpretation is possible, but a highway currently bisecting the historic battlefield limits potential visitor use opportunities.

The battlefield consists of two parcels of land, one of which extends down Apache Canyon from Deer Creek past Canoncito, and the other which centers around Pigeon's Ranch. The Glorieta Pass Battlefield is included on the National Register of Historic Places and has been a registered national historic landmark since November 1961.

The Battle of Glorieta Pass, March 26–28, 1862, ended the Confederate invasion of New Mexico, and a grand design for detaching the West from the Union and extending the confederation to the Pacific.

In February 1862, Confederate Gen. Henry H. Sibley began an invasion up the Rio Grande Valley with a brigade of 2,500 Texans. After defeating Federal forces at the Battle of Valverde on February 21, Sibley drove on to Albuquerque and Santa Fe, with little resistance, with Fort Union and the Denver as his next objectives. Reinforced by the regiment of Colorado volunteers, 1,300 Federal troops under Col. John J. Slough set out to meet the advancing Confederates. The armies met in Glorieta Pass in the Sangre De Cristo mountains, and the battle began on the 26th near Deer Creek when advance parties clashed. The full complement of troops arrived on the 27th and on the 28th the fighting resumed near Pigeon's Ranch and raged all day while a body of Federal soldiers under Maj. John Chivington made its way through the mountains in an attempt to strike at the Confederate base camp at the western end of the pass. Chivington succeeded in destroying the Confederate wagon train and supplies, thus forcing the Confederate forces to withdraw from enemy territory and to abandon their campaign in the Southwest.

The proposed national battlefield would include 2 units separated by approximately 6 miles including approximately 753 acres and 22 owners. The National Park Service estimates the total cost of land acquisition would be approximately $5.7 million. If the proposed national battlefield is authorized, a general management and development concept plan would be required. Based upon experience with development of such units, we anticipate development costs of $1.5 million to $2 million. Annual operational cost following implementation of visitor facilities would be $250,000 to $300,000.

Moreover, the limitation on land acquisition in S. 2165 could result in management problems for the service. As proposed in the bill, the National Park Service would be limited to the use of condemnation on 121 acres of the 753 acres included in the two units of the national battlefield. If other landowners are unwilling to sell their property to the federal Government, implementation of the legislative intent of the bill might not be possible. Portions of the battle site are excluded from condemnation authority.

Mr. Chairman, this concludes my comments. I will be happy to answer any questions you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 2165, as reported.

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